

**NORTH LITTLE ROCK
BOARD OF ADJUSTMENT AGENDA
December 31, 2015
1:30pm**

Agenda Meeting: ▪ Roll Call

Reminder ▪ Turn off cell phones

Administrative: ▪ 2016 Calendar

Approval of Minutes: ▪ August 27, 2015

Public Hearings:

1. BOA Case #2015-1. To allow an additional cellular tower with a height limit from 75' to 150' in addition to waiver of the minimum lot size from 75'x75' to 40'x40' and a separation distance between existing and proposed cellular towers. The location of this request is 924 West 15th and described as Lot 1, Branch Comm Riverview.
2. BOA Case #2015-2. To allow a 14'x24' garage in the side yard of a R-2 property, within 10' from the primary structure. The location of this request is 215 Plainview Circle and as described as Lot 14, Block 1, Park Hill 1N.

Public Comment / Adjournment:

CASE: BOA #2015-1

REQUEST: to allow a waiver for a cell tower:

1. height limitation from 75 feet to 150 feet
2. minimum lot size from 75'x75' to 40'x40'
3. separation of distance requirement of 2000' to 100'

LOCATION OF THE REQUEST: 924 W 15TH ST

APPLICANT: Kayla Kramer

OWNER: 924 WEST 15TH LLC

SITE CHARACTERISTICS: Developed industrial lot that currently stores portable toilets and other construction equipment in addition to an existing cellular tower and electrical equipment.

ZONING: I-1

SURROUNDING USES:

NORTH:	single family
SOUTH:	industrial
EAST:	industrial
WEST:	industrial

SUMMARY: The applicant is requesting a cellular tower with a height limit from 75' feet to 150' feet in addition to waiver of the minimum lot size from 75' feet x 75' feet to 40' x 40' feet and a waiver of separation distance between existing and proposed cellular towers.

STAFF RECOMMENDATION: Approve

BOARD MEMBER'S CONSIDERATION

1. Does the request authorize a use not allowed in the zone? No.
2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of property? No.
3. Is there something unique about the property that necessitates the variance? Yes. The unique shape of the parent parcel creates a hardship to meet the minimum lot area. The additional height from 75' to 150' provides adequate coverage zones. Additionally the separation of distance from 2000' to 100' from cellular towers is requested to be waived as existing tower is not structurally capable to co-locate with a second provider.
4. Will the request injure the planned or appropriate use of adjoining property? No.
5. Will the variance weaken the general intent and purpose of the land use and zoning plan? No.
6. Will the variance not be in harmony with the spirit of the ordinance? No.
7. Will a variance adversely impact health, safety and general welfare? No.



November 23, 2015

City of North Little Rock
120 Main Street
North Little Rock AR 72114

Subject: Waiver requests for Wireless Communications Facility – AR-0014

Location: 924 W 15th St

Board Members:

Branch Towers respectfully requests the following waivers requested for a wireless communication facility to be constructed on property at 924 W 15th St:

- Waiver of height limit from 75 feet to 150 feet
- Waiver of minimum lot size from 75'X75' to 40'X40'
- Waiver of separation distance requirement

The proposed facility is located within an I-2 zoning district in the City of North Little Rock. The purpose of this facility is to meet T-Mobile's coverage and capacity needs in the commercial and residential areas south of W. Pershing Blvd, between N. Main St and highway 365. The only viable alternative solution is a new 150 foot tower as there are no other suitable structures for colocation. It should be noted, there is an existing 75 foot monopole tower owned by Crown Castle on the same parent tract. A colocation opportunity was explored for this tower, but a structural analysis failed at 169.9%. A significant coverage gap currently exists in this area and a new wireless communication facility at this location would provide the wireless voice and data experience that the T-Mobile customers rely on. It will also provide critical safety support through enhanced 911 services.

Branch Towers has made every effort to adhere to the zoning ordinance to assure safety, compatibility with adjacent land uses and minimize the impact to neighboring properties. All portions of the ordinance addressing new site development are addressed below:

Section 12.14 paragraph C requires any company installing a new tower to make appropriate provisions to allow for the future addition of at least one other provider on a private rental basis. Branch Towers

intends to meet this requirement both, by the height of the proposed tower as well as the proposed ground space that can accommodate additional carriers.

Paragraph D requires the company installing a new tower to agree to refrain from generating unreasonable obstacles to such co-location arrangements. Branch Towers is a tower company who will not only actively seek out colocation opportunities but we are proposing to build a tower suitable for colocations.

Paragraph E states that communication devices that result in the addition of separate structures, such as a tall pole or tower detached from existing structures, will be treated as broadcast stations, which are permitted in all industrial, flood prone/conservation, and C-5 zones. Due to the I-2 zoning district for the proposed site, we feel this is a good location for a wireless communication facility that will have minimal impact on the surrounding land use.

Paragraph F states that any tower permitted in a zone, but requiring a variance of the height limitation, or any new tower over 75 feet in height, will be directed to the Board of Adjustment. **Branch Towers is requesting a variance on the height limit of 75 feet.** Coverage maps from T-Mobile Radio Frequency engineers are included in this package showing the coverage with and without the proposed tower at the requested height of 150 feet. As you will see on the map, there is a significant gap in coverage and the addition of the 150 foot tower allows the coverage to fill in, but not expand to the neighboring areas.

Paragraph I states that all of the provisions of the Control of Development/Subdivision Regulations to placement of a new tower are applicable and a telecommunication tower is to be considered a primary structure. Branch Towers is requesting a Preliminary Plat Review and approval, along with this request for waivers.

The requirements in Paragraph J Dimensional and Development requirements state:

1. Lot area of not less than 5,625 square feet, such as 75 feet by 75 feet. **Branch Towers is requesting a waiver of the minimum lot area.** This is a good location for a wireless communication facility with the zoning district and surrounding land use. However the unique shape of the parent parcel create a hardship to meet the minimum lot area. The proposed site location is roughly the same size as the Crown Castle tower site on the parent parcel and Branch Towers has designed a site that will accommodate additional carriers within the proposed lease area, in spite of the smaller compound.
2. Placement of the tower in the center of the lot. The proposed site plan complies with this requirement.
3. Maintaining building setback lines of 15 feet from any property boundary. The proposed tower exceeds this requirement from the property lines.
4. Require a six foot fence around the perimeter. The proposed design is an 8 foot cedar picket fence around the perimeter of the compound.

5. Require a planted buffer along all property boundaries with a minimum depth of 10 feet with planting materials to reach a height of 20 feet at maturity. The site plan shows a planted buffer around the leased area at this time. *However, we have received permission from the land owner to plant outside the lease area along the edge of the retaining wall to provide better screening of the site from the residential uses to the north if it would please the Board. This would also allow for additional ground space for any future colocators.*

Paragraph K states new towers need to provide reasonable separation of individual towers by not placing towers within the field of view of another tower or by maintaining a physical separation of 2,000 feet between towers. **Branch Towers is requesting a waiver of this requirement.** The specific location and zoning district of this property, combined with the engineered design by T-Mobile, drive this request for waiver of the separation distance. A shift in location any direction would degrade the planned coverage and create a hardship for the carrier.

Please consider the request for waivers and associated information provided herein. Branch Towers and T-Mobile are prepared to address any issues or concerns as the review process proceeds.

If you have any questions or comments, please contact me at 918-851-9102.

Sincerely,



Kayla Kramer
Branch Communication

1 OVERALL SITE PLAN

SCALE: 0' 20' 40' 80' 120'

- NOTES:
1. SITE PLAN SHOWN BELOW TAKEN FROM INFORMATION PROVIDED ON PRELIMINARY SURVEY DRAWINGS. CONTRACTOR TO VERIFY ALL EXISTING INFORMATION IS AS INDICATED ON SITE PLAN. CONTRACTOR IS TO ESTABLISH THE EXISTENCE AND LOCATION OF ALL EXISTING COVERED AND UNDERGROUND UTILITIES. IMMEDIATELY NOTIFY THE CONSTRUCTION MANAGER OF ANY DISCREPANCIES.
 2. EXISTING INFORMATION INDICATED ON THE SITE PLAN WAS REPRODUCED INFORMATION PROVIDED ON PRELIMINARY SURVEY DRAWINGS. BRANCH COMMUNICATIONS, LLC, DOES NOT ASSUME RESPONSIBILITY OR LIABILITY FOR DAMAGES, LOSS OF REVENUE, OR INJURY THAT MIGHT OCCUR, THE INFORMATION SUPPLIED BY THE CUSTOMER WAS INCORPORATED FOR REFERENCE ONLY.

NOTE: AT SITE ACCESS ROAD, ALL DISTURBED AREAS TO BE RESTORED WITH NEW CONCRETE AFTER CONSTRUCTION OF SITE TO MATCH EXISTING CONCRETE

PROPOSED 150' BRANCH TOWERS MONOPOLE, RE: 1/C3
PROPOSED 28'x28' WOODEN FENCED COMPOUND, RE: 1/C5
PROPOSED 40'x40' LEASE AREA
PROPOSED COMPOUND ELEVATION TO BE 265.00'
PROPOSED COMPOUND, RE: 1/C2

EXISTING CONCRETE ENTRANCE AREA

PROPOSED SILT FENCE AROUND ENTIRE CONSTRUCTION AREA, RE: 3/C7
EXISTING TELECOMMUNICATIONS FACILITY

ASPHALT DRIVE

EXISTING CONCRETE STAIRS

TOWER CENTER TO PROPERTY LINE

190'-5 1/2"

30'-0"

68'-0"

278'-11"

15TH STREET (RIGHT OF WAY)

TOWER CENTER TO PROPERTY LINE

EXISTING 1 STORY BRICK BUILDING

EXISTING POWER POLE, TYPICAL

PRODUCED BY:
DE BOER
MICHAEL T. DE BOER
965 WYNSTONE DRIVE
JEFFERSON, SD 57038
605-422-1540

COMMUNICATIONS, LLC
BRANCH COMMUNICATIONS
1516 S. DODD AVE. SUITE 115
TULSA, OKLAHOMA 74118
(918) 949-4551

Vendor:
T-Mobile
4333 ENTERPRISE DR.
OKLAHOMA CITY, OK 73129

NO.	DATE	DESCRIPTION	BY
A	8/14/15	PRELIMINARY ISSUE	PBJ
O	10/23/15	CONSIST. ISSUE	JWM
C1			

SHEET TITLE: OVERALL SITE PLAN

SHEET NUMBER: PROJECT #

BY: JWM

DATE: 10/23/15

REVISION: 0

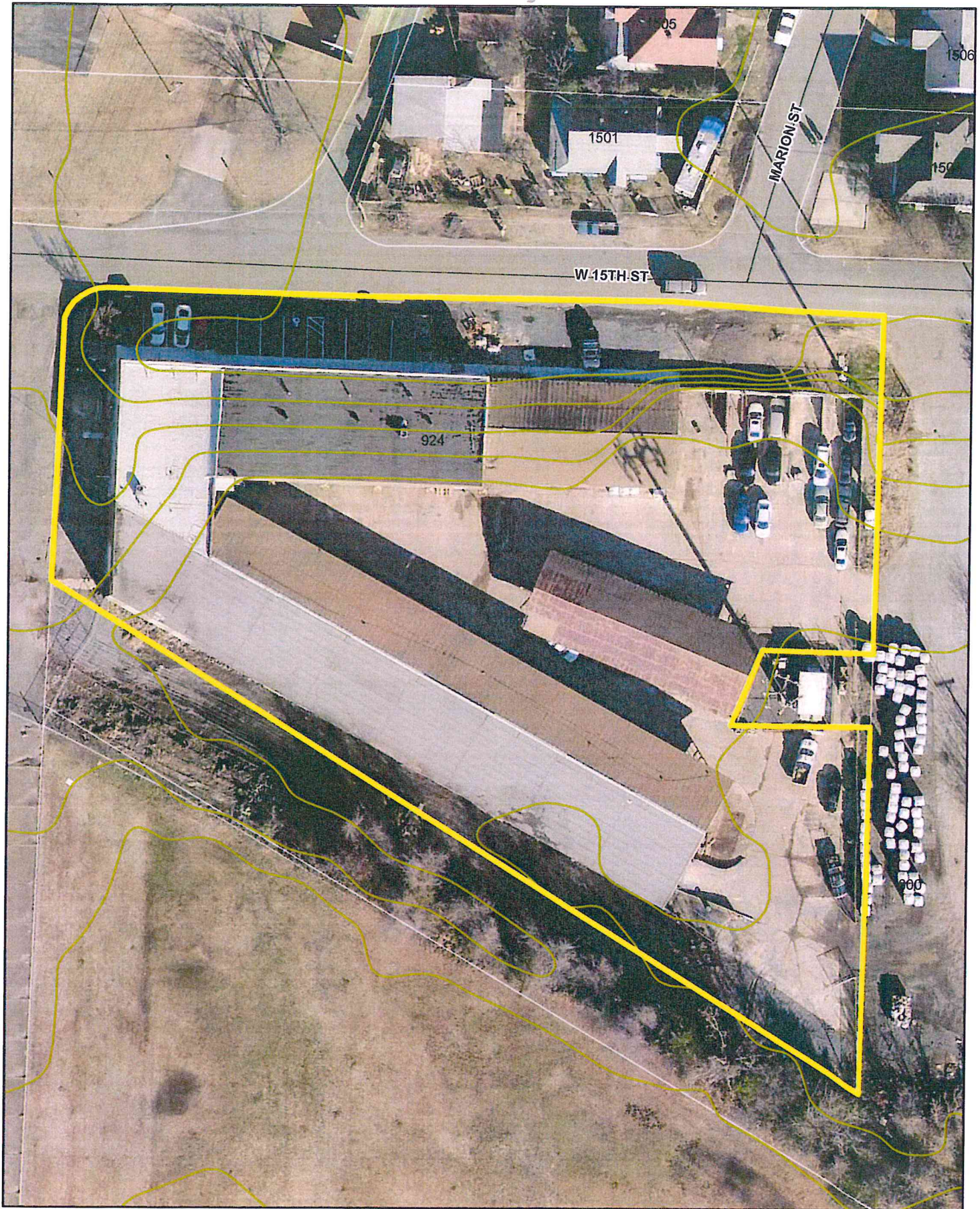
ENGINEER:
STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
MICHAEL T. DE BOER
No. 9847
PE # 9847 EXP. 12/31/2015

SITE NAME:
AR01216

SITE NUMBER:
AR01216

SITE ADDRESS:
924 W 15TH ST
N LITTLE ROCK AR 72117

North Little Rock Board of Adjustment



BOA CASE #2015-1

Date: 12/1/2015

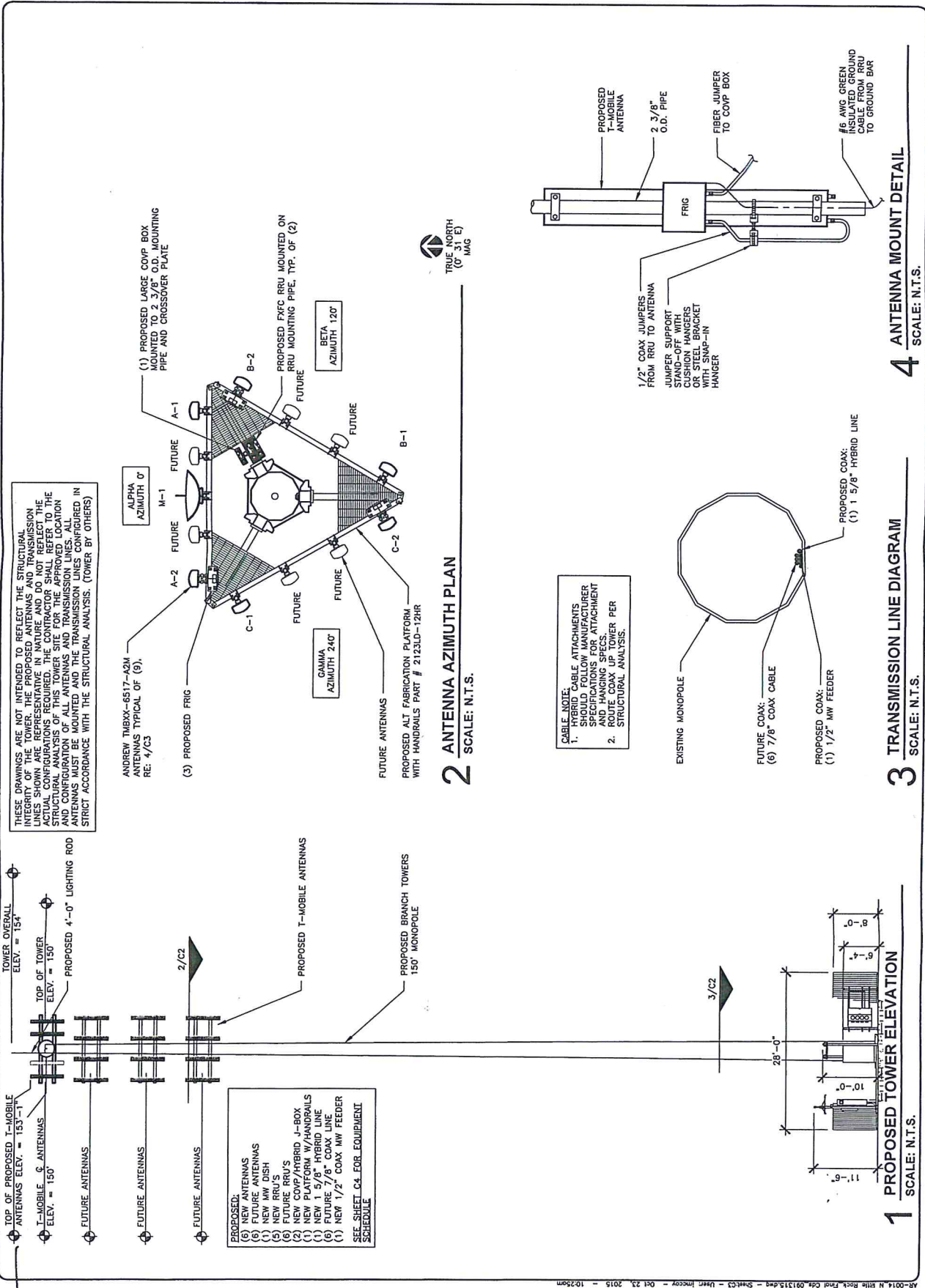
1 inch = 50 feet

0 25 50 100 Feet



User: JHale





VENDOR:

T-Mobile
4333 ENTERPRISE DR.
OKLAHOMA CITY, OK 73128

BR NCH
COMMUNICATIONS, LLC
BRANCH COMMUNICATIONS
1516 S BOSTON AVE STE 215
TULSA, OKLAHOMA 74119
(918) 949-4551

PRODUCED BY:

DE BOER

MICHAEL T. DE BOER
965 WYNSTONE DRIVE
JEFFERSON, SD 57038
605-422-1546

SITE NAME:

AR01216

SITE NUMBER:

AR01216

SITE ADDRESS:

924 W 15TH ST
N LITTLE ROCK AR 72117

ENGINEER:

STATE OF
ARKANSAS

REGISTERED
PROFESSIONAL
ENGINEER

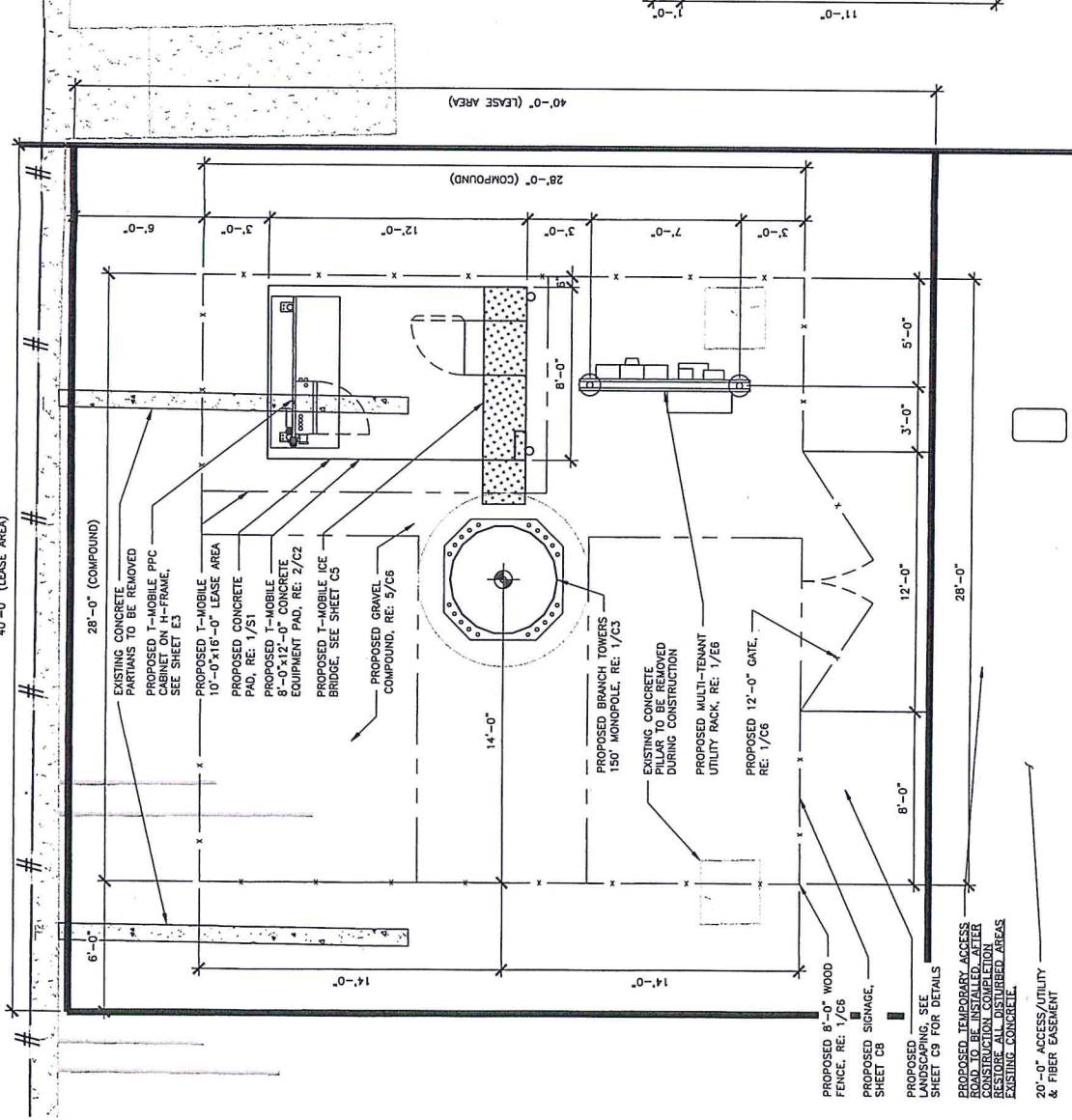
No. 9847

MICHAEL T. DE BOER

10/23/15

PE # 9847 EXP. 12/31/2015

NO	DATE	DESCRIPTION	BY
A	9/14/15	PRELIMINARY ISSUE	PBJ
O	10/23/15	CONST. ISSUE	JWM
SHEET TITLE: OVERALL AND ENLARGED SITE PLAN			
SHEET NUMBER: PROJECT #			
BY: CKD BY: JWM			
REVISION: 0			



1 OVERALL SITE PLAN

SCALE: 1" = 20'

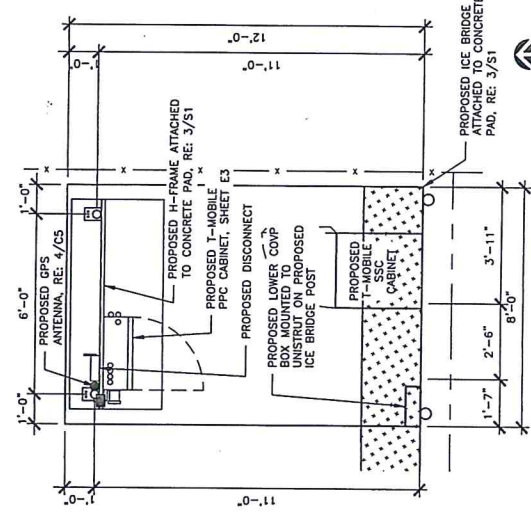
FOR SITE CIVIL DETAILS, RE: SHEET C7



TRUE NORTH
(0° 31' E)
MAG

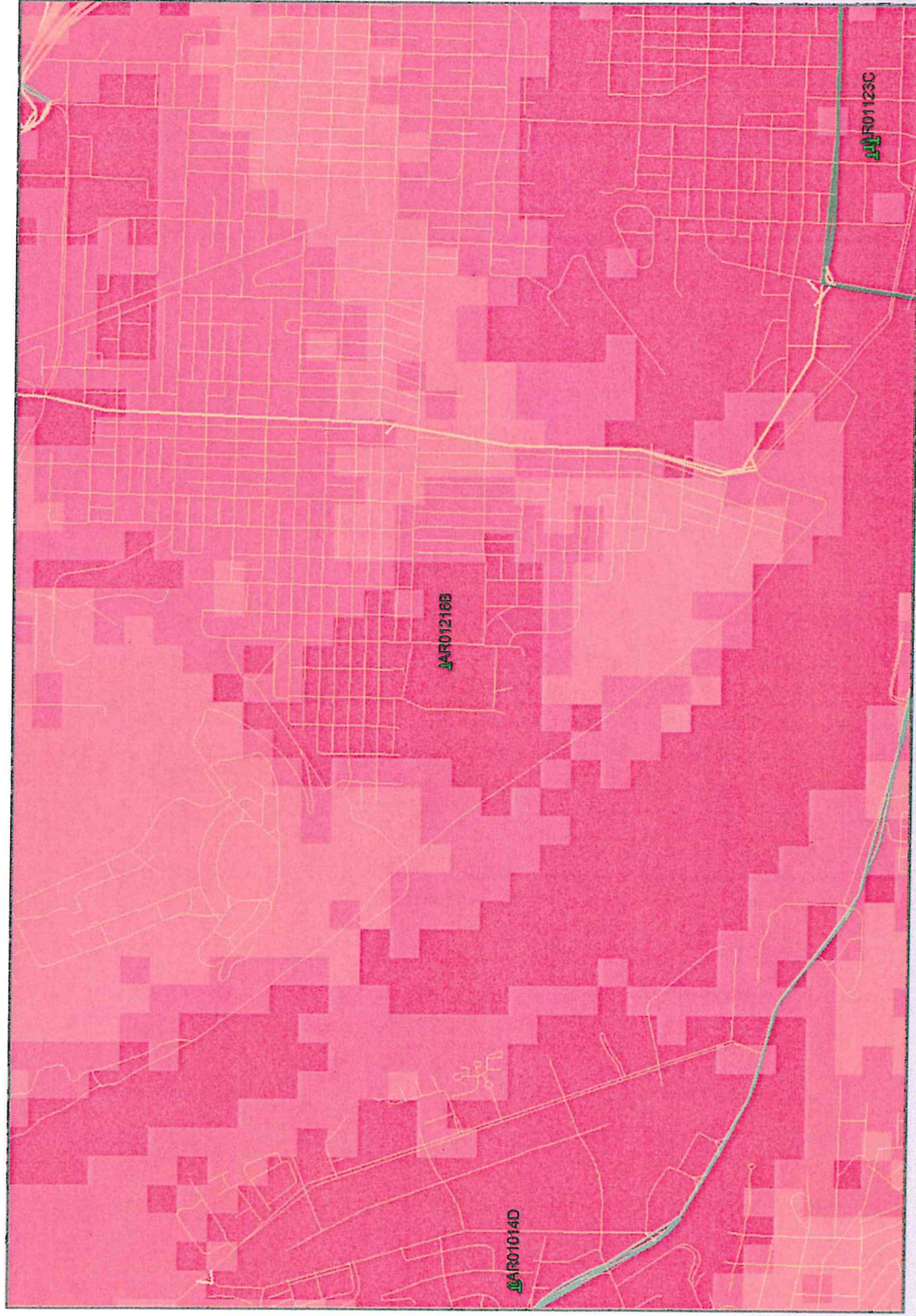
2 ENLARGED SITE PLAN

SCALE: 1" = 10'



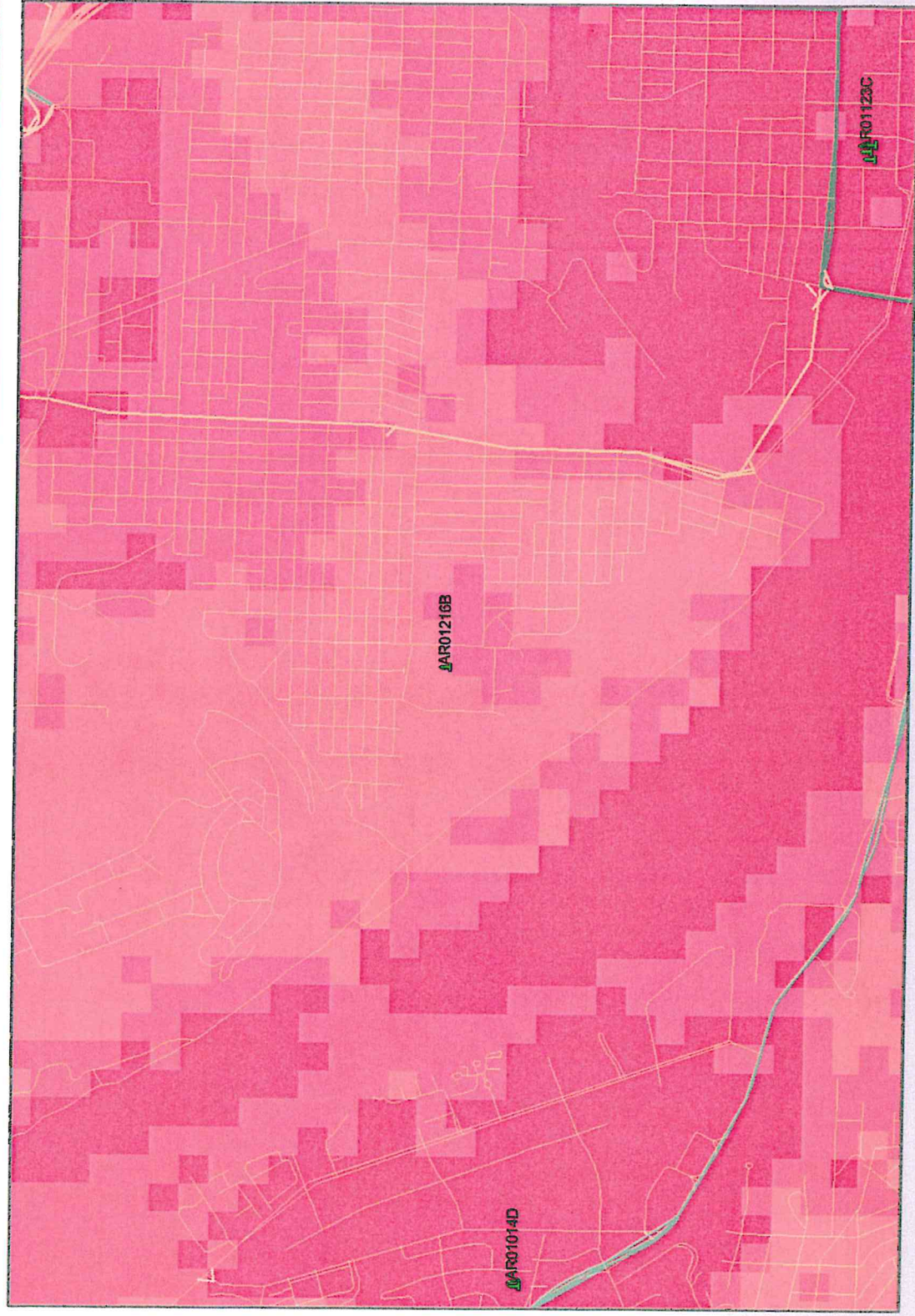
TRUE NORTH
(0° 31' E)
MAG

LTE Coverage with AR01216B



- 4G Very Good
- 4G Good
- 4G Available

LTE Coverage without AR01216B



- 4G Very Good
- 4G Good
- 4G Available

T-Mobile

CASE: BOA 2015-2

REQUEST: to allow a 14' x 24' garage in the side yard of a R-2 property, 10' from the primary structure.

LOCATION OF THE REQUEST: 215 PLAINVIEW CIR

APPLICANT: SMITH BEATRICE/PRIMM JEANETTE

OWNER: SMITH BEATRICE/PRIMM JEANETTE

SITE CHARACTERISTICS: Developed lot in a subdivision.

ZONING: R-2

SURROUNDING USES:

NORTH:	single family
SOUTH:	single family
EAST:	single family
WEST:	single family

SUMMARY: The applicant is requesting to construct a single car garage next to her residence with a 10' foot setback from the primary structure.

STAFF RECOMMENDATION: Approve

BOARD MEMBER'S CONSIDERATION

1. Does the request authorize a use not allowed in the zone? No.
2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of property? No.
3. Is there something unique about the property that necessitates the variance? Yes. The rear lot slopes downward from the primary residence requiring a retaining wall and removal of several trees in order to build a garage in the rear yard.
4. Will the request injure the planned or appropriate use of adjoining property? No.
5. Will the variance weaken the general intent and purpose of the land use and zoning plan? No.
6. Will the variance not be in harmony with the spirit of the ordinance? No.
7. Will a variance adversely impact health, safety and general welfare? No.

My name is Jeanette Primm. My mother and I are the owners of 215 Plainview Circle, NLR, AR.

I am making an appeal to the NLR Board of Adjustment, on December ³¹~~29~~, 2015 for a variance to the city's code regarding detached structures.

Last December, I moved back into the house. My father built this house. Due to an early death, he was unable to add a garage or carport to the left side of the house (as you look at the front of the house)...part of the drive is there, but that's where his plans ended.

I would like to add that garage as a detached structure and this is why I am appealing to the Board of Adjustment for a variance to the city's code, which requires detached structures to begin at the back of the resident.

Because the lot slopes downward so much toward the back of the property, from the top of the street, to build this structure at the back of the residence would cause me to down a tree and build a retaining wall some 10-12 feet high and then a parking structure without a safe and secure access way into the house.

I could build an 'addition' to the house, but then I would lose the use of two windows in the living room and cause a utility meter to be moved. However, the biggest problem with an 'addition' is the increased problem with the rain and run-off water that flows down hill towards the house. As it is, there is usually a small lake in the courtyard area directly in front of the porch every single time it rains. An 'addition' would block what drainage is currently there.

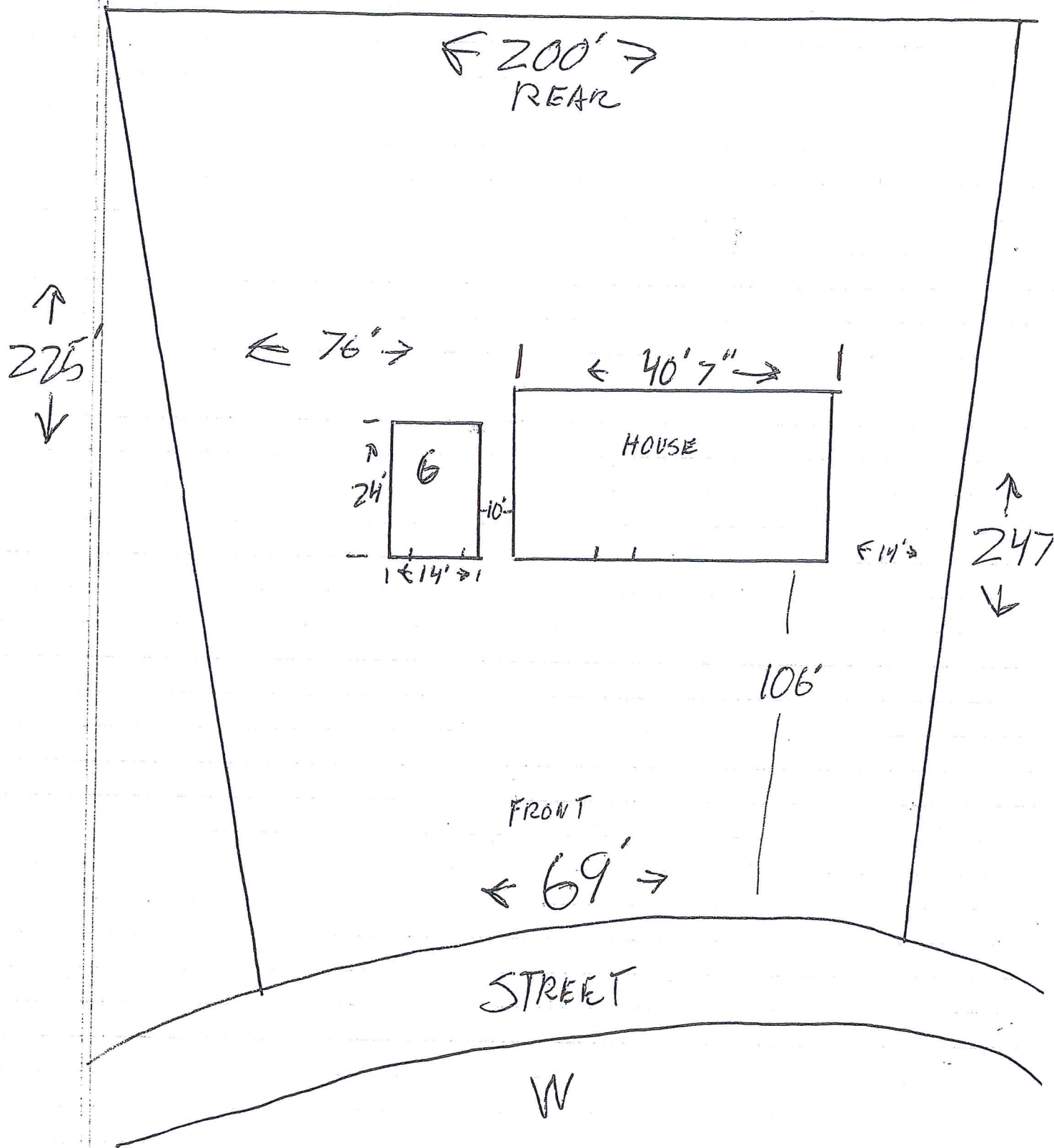
It is for these reasons that I am requesting a variance to the code so that I would be allowed the opportunity to build a detached garage with a connecting breezeway to the side of my house. Incorporated in the design is additional drainage between the two structures, as well as drainage in the drive to the garage. The breezeway would allow me direct access to my house and would be located at the rear of the structure. The breezeway would also allow my mother easier access to get into the house, since she is now wheelchair bound. The area between the structures would still allow the utility company to read the meter and would still allow sunlight and breezes through the windows of the living room.

Thank you,

Jeanette Primm
Beatrice Smith
215 Plainview Circle
North Little Rock, AR 72116
501-753-1392

Donny Weisberg
501-772-7309

Mo. Primm
215 Plainville Ave.
N12 E



North Little Rock Board of Adjustment



BOA CASE #2015-2

Date: 11/25/2015

1 inch = 40 feet

